



# Legislative Department Seattle City Council Memorandum

**Date:** March 19, 2009

**To:** Sally Clark, Chair  
Tim Burgess, Vice Chair  
Tom Rasmussen, Member  
Jean Godden, Alternate  
Planning, Land Use and Neighborhood Committee (PLUNC)

**From:** Sara Belz, Council Central Staff

**Subject:** **Clerk File (C.F.) 309287 and Council Bill (C.B.) 116484:** Petition of Ken McBride to rezone 34,472 square feet of land at 11340 and 11334 Corliss Avenue North from Single Family 7200 (SF 7200) to Single Family 5000 (SF 5000). (DPD Project Number 3008747 / Type IV)

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## Overview

Ken McBride (the “Proponent”) proposes to rezone a site located at 11340 and 11334 Corliss Avenue North from SF 7200 to SF 5000. The site is located on the east side of Corliss Avenue North between North 113<sup>th</sup> Place and North 115<sup>th</sup> Street. A map of the proposed rezone area is attached.

The site is comprised of two parcels that total approximately 34,472 square feet of property. Mr. McBride owns the parcel at 11340 Corliss Avenue North. The parcel at 11334 Corliss Avenue North is owned by Elizabeth King. C.F. 309287 includes a signed letter submitted by Ms. King that confirms her support for the rezone.

## Facts related to the rezone:

- The site is currently zoned SF 7200.
- The rezone petition is not accompanied by plans for a development proposal. With the rezone, the site would be able to accommodate six dwelling units. Without the rezone, the site is limited to four dwelling units. The applicant intends to retain the two single family homes that are currently on the site.
- The site is located immediately outside the boundaries of the Northgate Urban Center (the site’s southern property line is the northern boundary of the Northgate Urban Center). The site is located within the boundaries of the Northgate Overlay District and two neighborhood planning areas: the Broadview-Bitter Lake-Haller Lake Neighborhood Plan and the Northgate Area Comprehensive Plan.
- A steep slope environmentally critical area (ECA) extends along the southern property line of the parcel located at 11334 Corliss Avenue North. The slope was likely created during the construction of an adjacent private driveway. The Department of Planning and Development (DPD) granted ECA Limited Exemption

approval for the site in 2008; thus, no steep slope variance would be required to develop the buffer area.

- Both DPD and the Hearing Examiner find the proposal to be consistent with the City's rezone evaluation criteria and recommend approval with no conditions.
- Five written public comments were submitted for the record. The comments raised questions and concerns about the possible replacement of the site's existing single family homes with higher density and multifamily housing. However, if the site is rezoned to SF 5000, the construction of multifamily housing will not be permitted.
- A Property Use and Development Agreement (PUDA) is not required as the request is a general rezone and not a contract rezone.

### **Type of Action**

Because this rezone is site-specific, the matter is considered a quasi-judicial rezone under the Seattle Municipal Code.<sup>1</sup> Quasi-judicial rezones are subject to the Appearance of Fairness Doctrine, which prohibits ex-parte communication. Council decisions must be based on the record established by the Hearing Examiner.

The Hearing Examiner established the record at an open-record hearing.<sup>2</sup> The record contains the substance of the testimony provided at the Hearing Examiner's open record hearing and the exhibits entered into the record at that hearing. Those exhibits include, but are not limited to, the recommendation of the Director of DPD, the State Environmental Policy Act checklist for the proposal, maps showing the rezone area, the rezone application and other application materials.

No appeals of the Hearing Examiner's recommendation were filed, nor were any requests to supplement the record.

### **The Record**

Selected documents and exhibits from the record are reproduced in Councilmembers' notebooks. The entire Hearing Examiner's record, including an audio recording of the open record hearing, is kept in my office and is available for review at Councilmembers' convenience. Selected documents and exhibits reproduced here include:

- Hearing Examiner's recommendation (Green); and
- DPD's recommendation (Blue).<sup>3</sup>

Area and site maps are provided on page 2 of DPD's recommendation.

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<sup>1</sup> Seattle Municipal Code (SMC) Chapter 23.76.004.

<sup>2</sup> Council action shall be based on the record established by the Hearing Examiner. The Council may supplement the record with new evidence or information if the Council determines that the new evidence or information was not available or could not reasonably have been produced at the time of the open record hearing before the Hearing Examiner. SMC § 23.76.054E.

<sup>3</sup> Hearing Examiner's Exhibit 1.

### **Recommendations from DPD and the Hearing Examiner**

Both DPD and the Hearing Examiner recommend approval of the proposed rezone. Specifically, the Hearing Examiner's Findings and Recommendation dated January 14, 2009, drew the following conclusions based on testimony at the open record hearing, submitted exhibits and DPD's analysis:

- Match between zone criteria and area characteristics: The proposed rezone would allow for the retention and creation of single family structures on parcels that are within the range of lot sizes that currently exist in the surrounding area. The area would continue to match the criteria for a single family zone.
- Neighborhood plans: DPD's report on the proposed rezone references policies from the Broadview-Bitter Lake-Haller Lake Neighborhood Plan and the Northgate Area Comprehensive Plan that support the maintenance of existing single family areas and single family zones. The proposed rezone is consistent with these policies.
- Overlay districts: Existing policies for the Northgate Overlay District support intense uses in the commercial core and the protection of the residential character of existing neighborhoods. The proposed rezone is consistent with these policies.
- Impact evaluation: In its SEPA review, DPD determined that none of the local service capacities or other factors listed in SMC 23.34.008.F (e.g., public services, pedestrian safety, views) should be affected by the rezone of the site and the potential development of two additional single family dwelling units.
- Critical areas: The steep slope ECA on the south parcel is subject to the City's existing codes and the proposed rezone is not expected to produce any direct impacts related to the ECA.

*Staff agrees with the recommendations of DPD and the Hearing Examiner and recommends approval of the proposed rezone.*

### **Clerk's File and Council Bill**

Council staff, in consultation with the Law Department, has drafted the necessary documents to complete the rezone. These include a proposed Council Findings, Conclusions and Decision for the Clerk's File and a Council Bill (C.B. 116484).

#### Clerk's File (Proposed Council Findings Conclusion and Decision)

The Clerk's File contains the content of the record established by the Hearing Examiner and the proposed Council Findings, Conclusions and Decision. The proposed Council Findings, Conclusions and Decision:

1. Adopts the Hearing Examiner's Findings and Conclusions and
2. Approves the proposed rezone.

*Staff recommends approval of the proposed Council Findings, Conclusions and Decision.*

C.B. 116484

The Council Bill amends the Official Land Use Map to reflect the change in zone designation.

*Staff recommends approval of C.B. 116484.*

**Next Steps**

A Committee recommendation today will enable a Full Council vote on both C.F. 309287 and C.B. 116484 on March 30, 2009.